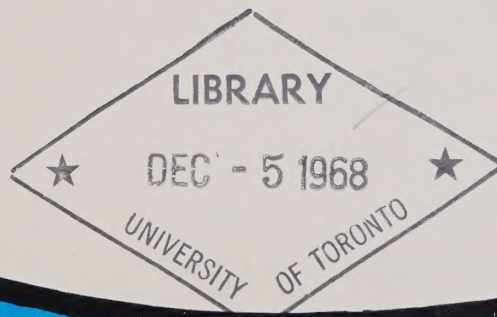


CAI
L
-Z 100



VITAL PARTNER
-of workers and employers



CANADA DEPARTMENT OF LABOUR

CAI
L
-Z 100

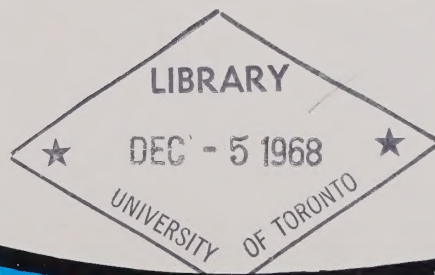
3 1761 11766256 9

Government
Publications




VITAL PARTNER

-of workers and employers



CANADA DEPARTMENT OF LABOUR

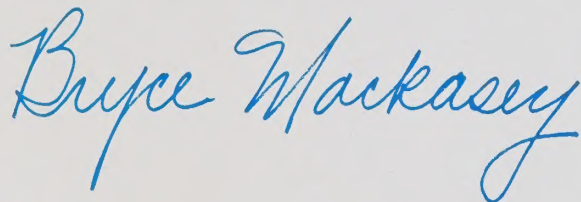


Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761117662569>

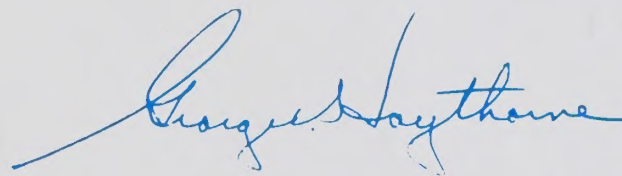
Canada - labour dept
[general publications]
[6-4]

The Canada Department of Labour is devoted to the proposition that all Canadians must be provided with a rightful share of the benefits derived from their enterprise. Toward that end, the Department strives to encourage the harmonious association of all Canadians in their endeavours.



MINISTER

Constantly attentive to the complex problems facing employers and employees in today's swiftly-changing industrial environment, the Canada Department of Labour is playing an increasingly active and participating role in the essential search for solutions to them.



DEPUTY MINISTER



CANADA was one of the first nations of the world to establish a separate department of government concerned with labour matters.

Since its inception in 1900, the basic objectives of the Canada Department of Labour—to promote constructive relations between employers and unions, and to help bring about the progressive improvement of employment and living conditions for all Canadians—have been sharpened and strengthened in keeping with the many changes in our economic and social life.

As Canada has grown from a predominantly agricultural country into a nation in which the bulk of the population works in the factories, offices and shops of industrial cities and towns, the Department's responsibilities have grown accordingly.

This pamphlet presents a brief outline of the Department's current programs, policies and services, and their purpose.



JURISDICTION

While the Canada Department of Labour has a broad general interest in the employment and working conditions in all sections of Canadian business and industry, it is directly concerned with those areas of employment that are regulated by federal labour laws. Generally speaking, these areas of federal jurisdiction include those enterprises that connect a province with another province or with another country, such as:

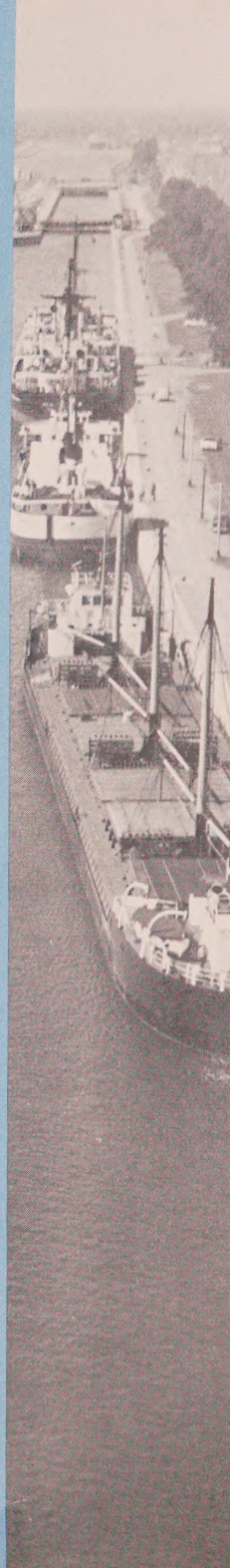
- Interprovincial or international railways
- Interprovincial or international highway transport
- Interprovincial or international pipelines
- Interprovincial or international canals
- Interprovincial or international ferries, tunnels, and bridges
- Interprovincial or international telephone, telegraph, and cable systems
- All shipping and services connected with shipping, such as dock workers
- All radio and television broadcasting
- All air transport, aircraft and airports
- All banks.

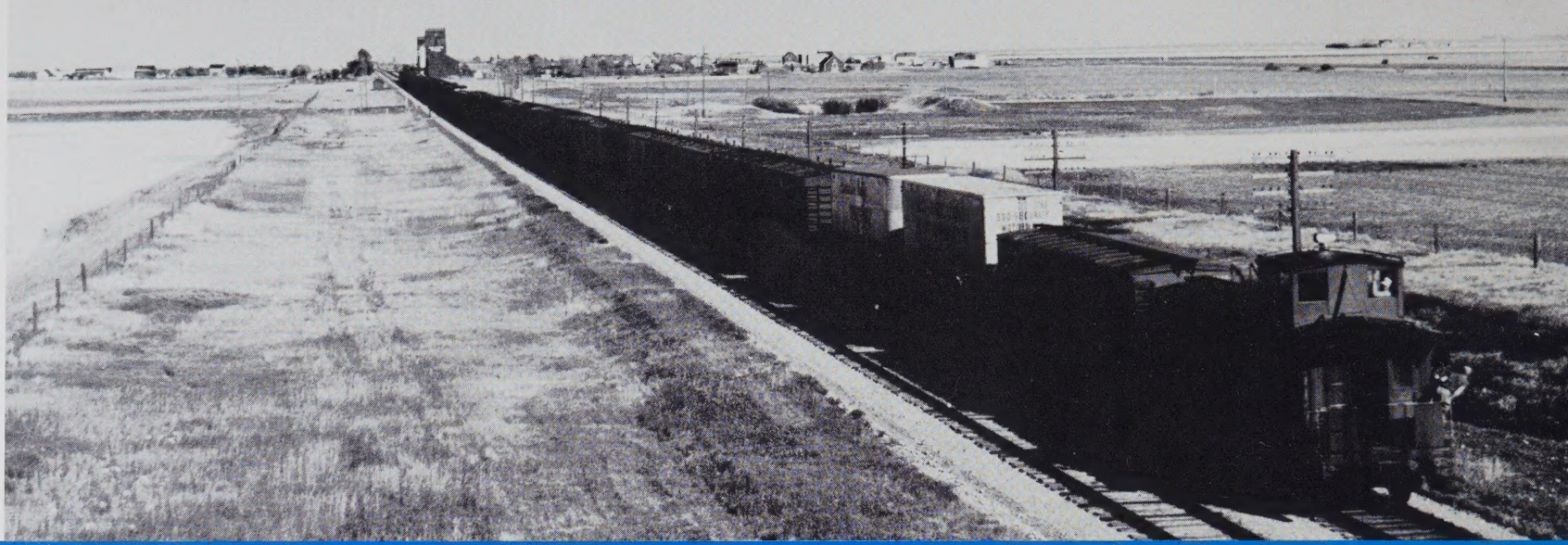
The Department has jurisdiction also over employers and workers in certain businesses which, while they operate entirely within a province, have been declared by Parliament to operate for the general advantage of Canada, or for the advantage of two or more of the provinces.

These include:

- Uranium mining and processing
- Grain elevators, flour and feed mills, feed warehouses and seed cleaning mills
- Certain railways operating solely within a province.

The Department has jurisdiction also over several Crown corporations.





LABOUR RELATIONS

Certification and Decertification

Trade unions that can show that they represent a majority of the workers in a unit that is appropriate for collective bargaining, in an undertaking within federal jurisdiction, may be granted exclusive authority to bargain for those employees and negotiate collective agreements with their employer on their behalf. This is known as certification of bargaining agents.

Certification is granted by the Canada Labour Relations Board and gives unions the exclusive right to bargain for employees and to bind them by a collective agreement with an employer. The Board has sole discretion to decide whether the proposed unit is appropriate for collective bargaining and whether the union has as members a majority of the workers in the unit.

To encourage and promote stability in labour relations, the law provides that, where a collective

agreement is in force, an application for certification may be made only after the agreement has been in effect for ten months, unless the Board permits an earlier application.

Two or more unions may join in an application for certification. And the Board may grant certification to a union for the employees of two or more employers, if all the employers consent and if the Board is satisfied that the union could meet the usual certification requirements were it to make separate applications with respect to each employer.

The Board has the power to revoke a certification where it believes that the bargaining agent no longer represents a majority of the employees in the unit. When certification is revoked, the employer is no longer required by law to bargain collectively with the bargaining agent.

The Board is presided over by an independent Chairman, or in his absence by a Vice-Chairman, and



consists, in addition to these, of eight members, equally representative of employees and employers.

Conciliation, Arbitration

The union represents the employees in the bargaining unit in working out the details of their collective bargaining agreement, or contract, with the employer. This agreement specifies the conditions under which an employer agrees to employ the workers, and under which they agree to work for the employer. The collective bargaining agreement usually includes such details as the wages to be paid employees, the number of hours they must work each day and each week, what holidays they receive, provisions for illness, and the pensions they will receive on retirement. When its terms have been accepted by the employer and employees, the collective bargaining agreement usually remains in force for a period of one, two, or three years. It is a violation of the labour legislation for

workers to go on strike, or for an employer to lock-out his employees (refuse to let them work) while the agreement is in force.

When disputes arise between the workers in a bargaining unit and their employer over the terms of the collective bargaining agreement, the Canada Department of Labour can intervene to assist them in reaching a settlement. The Department may appoint a Conciliation Officer to discuss the dispute with both groups. If the Conciliation Officer is unable to bring about an agreement, the Minister of Labour—the member of the Federal Cabinet responsible for the Canada Department of Labour—may then appoint a Conciliation Board.

The Board consists of three members—one selected by the union, one selected by the employer, and a chairman, who is impartial. The Board also tries to bring about an agreement and, after hearing the arguments of both sides, makes a report giving its recommen-

dations as to how the dispute should be settled. Neither the employer nor the union is bound to accept the Board's recommendations, but the workers are not permitted to go on strike, nor is the employer permitted to lock-out the workers, until seven days after the Minister of Labour has received the Conciliation Board's report.

Should a strike or lock-out occur, the Minister of Labour may offer the services of a mediator to help the union and the employer settle their differences.

Should disputes arise during the term of an agreement, concerning the meaning or violation of the provisions of the agreement, they are referred to arbitration. The arbitrator makes a final and binding decision with respect to the dispute.

Inquiry Commissions

The Minister of Labour may also appoint an Industrial Disputes Inquiry Commission when he considers it to be necessary. These Commissions may investigate alleged violations of labour laws, or any situation where a dispute or difference between employees and employers either exists or is anticipated.

One such Commission was the investigation by Mr. Justice Samuel Freedman, in 1965, into a railway dispute over the running of trains through points at which they had previously stopped for servicing. The railway maintained that, with its new operating equipment, these particular servicing stops were no longer necessary. Railway workers affected by this change in operating procedures protested that it would mean considerable disruption of their working and living arrangements.





LABOUR-MANAGEMENT CONSULTATION



For many years it has been the Canada Department of Labour's policy to encourage employees and employers to co-operate and to attempt to understand each other's problems. There are many sound reasons for this policy. If difficulties that may arise in areas of common concern are brought out into the open and discussed, they are less likely to grow into grievances or become major problems. And if workers and their employers are more familiar with the problems of their enterprise, and are willing to discuss these problems freely when they arise, there is bound to be a better working relationship, which results in better working environment, more job security, and better production, which in turn results in more employment stability in the business or industry.

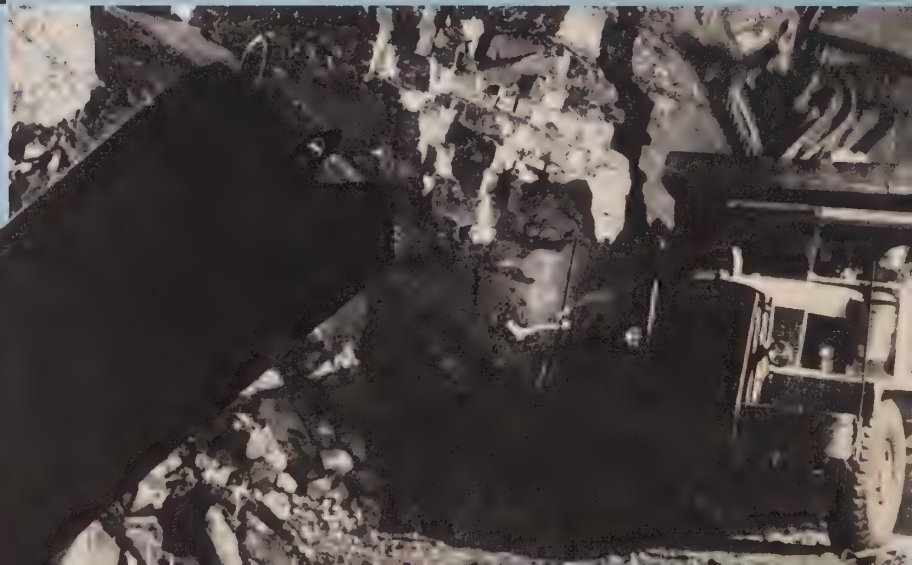
The Department assists workers and employers to form joint consultation committees, on which both the workers' union and the employer are represented. These committees meet at regular intervals to discuss matters of mutual concern. These discussions often range over a wide variety of topics, from a worker's suggestion for a better production method, to safety in the plant, to the employer's need to introduce modern and competitive production methods.

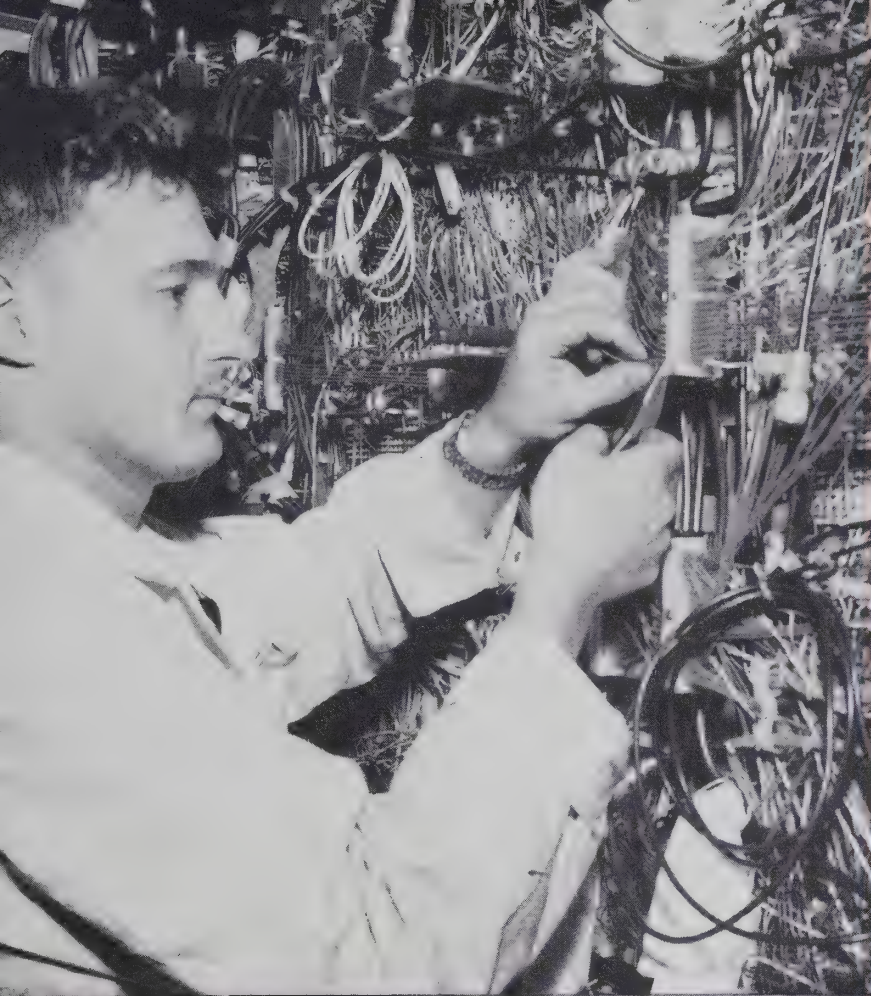
This program of labour-management co-operation is becoming increasingly important as industry makes use of the dramatic new manufacturing methods made possible by technological progress or, as this process is more commonly known, automation. In a modern factory, one worker using these new production methods



may turn out the same quantity of goods as was formerly produced by two or more workers. Thus, fewer men are required to operate these machines. However, automation has also created many new trades and occupations. Those displaced workers may have to be retrained for other jobs, or perhaps even to seek new jobs elsewhere. It is obvious that if workers hear only rumours while such a situation is developing, they will quickly become dissatisfied and disturbed about their future. For this reason, the Canada Department of Labour actively urges all employers to enter into consultation with their employees as early as possible when changes are contemplated.

The Department has found that these joint consultation committees of unions and management have often been successful in averting a sense of insecurity in plants and factories, particularly during difficult periods of change. There are now more than 2,300 such committees operating in various businesses, institutions and factories across Canada. The members of these committees represent more than 700,000 workers.





LABOUR STANDARDS

The Canada Department of Labour is responsible for ensuring that the requirements of the Canada Labour (Standards) Code are observed in all businesses and industries under the federal jurisdiction. This Code specifies the minimum provisions that these businesses and industries must make for their employees. In general, these provisions are as follows:

- the regular working day is not to exceed 8 hours, and the regular work week 40 hours.
- overtime is to be paid for at not less than one and one half times the regular wage.
- the minimum wage for men and women 17 years of age and older is \$1.25 an hour.
- every employee is entitled to at least two weeks vacation with pay after one year of employment.
- every employee is entitled to a holiday with pay on eight general holidays.



Fair Wages and Hours on Government Contracts

It is Government policy that fair wages must be paid to, and fair hours worked by persons employed by every contractor constructing any project for the federal Government. Fair wages are the current rates being paid in the district for similar work, but not less than required by the Canada Labour (Standards) Code. Fair hours are those of the Code.



RESEARCH

An important function of the Canada Department of Labour is to collect and analyze pertinent information on various aspects of labour, and to carry out basic studies that will lead to a clearer understanding of these aspects and the problems that labour encounters. The Department is the federal Government's central agency for surveying and analyzing social and economic trends and their effects on Canada's working population.

These studies and analyses cover a broad range of subjects, such as union organization, industrial conflicts, labour standards, patterns and trends in collective bargaining, the relationship of wage cost and production cost to prices, and how the wages and salaries paid to workers may influence Canada's ability to compete in the world markets.

Through its University Research Program, the Canada Department of Labour encourages special studies of labour matters and the development of trained persons capable of carrying out such research projects.



Financial grants are made under this program each year, to qualified university faculty members and graduate university students, for specific research projects.

A continuing study is made of laws that are enacted, both in Canada and other countries, affecting workers and employers. These include laws covering such matters as the relationship between employers and unions, working conditions, compensation for workers injured on the job, and discrimination.

Studies are made as well of the ways in which such laws are administered and the cases in which they are interpreted by the courts.



PUBLIC INFORMATION

The Public Relations and Information Services Branch is concerned with communication in the broadest sense between the Department and the Canadian public. This public includes not only industrial management and labour unions, which are most directly affected by the Department's policies and programs, but a much wider community also in the belief that industrial relations and other activities in the labour field can be more effective when the basic issues and problems are understood by all Canadians.

The Branch uses all the communications media in its work. It also publishes two major official monthlies, the

Labour Gazette and *Gazette du Travail*, which have provided factual information on major aspects of the Canadian labour scene since 1900. Also, it publishes a monthly tabloid, *Teamwork in Industry*, devoted to encouraging consultation between unions and employers in the interests of good industrial relations.

It is responsible for the writing, editing, designing and production of a wide range of other departmental publications, for relations with the press, radio and television, and for the development of advertising and promotional programs in support of various departmental activities.

In keeping with its policy of informing decision-makers and the general public of the facts and implications of broad social and labour problems—including the challenges presented by technological change—the Department, in co-operation with the National Film Board, sponsors the production of motion pictures dealing with a variety of aspects of change in the world of work, including the human and economic consequences.

The Department maintains the largest labour library in Canada, comprising publications dealing with economics, history, statutes, research papers, and bibliographies from within Canada and abroad. It serves as a source of information and as a lending library for employers, unions, students, researchers—in fact, all interested Canadians and many officials and visitors from abroad.



FAIR EMPLOYMENT PRACTICES

The Canada Department of Labour administers the Canada Fair Employment Practices Act, which is designed to prevent discrimination in employment based on race, color, religion or national origin. Officers of the Department investigate complaints and endeavour to effect settlement through mediation and persuasion.

The Department has the power to ensure that employers do not discriminate against workers because they are members of a trade union. It is unlawful for any person to attempt to force any other person to either join or leave a union.

The Department issues pamphlets to promote fair employment practices and advertises in the foreign language press of Canada in order to inform those who might be discriminated against. Films advocating equal opportunity in employment for minority groups are purchased by the Department and distributed across Canada.

The Female Employees Equal Pay Act also is administered by the Canada Department of Labour. This Act seeks to give women the same rates of pay as men for doing the same work. Provision is made for enforcement by investigation, mediation and arbitration.



EMPLOYMENT SAFETY

Under the Canada Labour (Safety) Code, enacted in late 1966, the Canada Department of Labour is responsible for ensuring that, in those businesses and industries under federal jurisdiction, working conditions present as few hazards as possible to either the personal safety or the health of workers. Under the new Code, the Department is responsible for laying down standards of safety to be observed in these businesses and industries and ensuring that these standards are met.

The Department is responsible also for a general educational and publicity program to make both employers and employees appreciate the need for safety standards and safe work practices, as well as for following them.

Employment Injury Benefits

A program for providing benefits to employees of the federal public service and to the merchant seamen who are injured while at work is administered by the Department.



INTERNATIONAL AFFAIRS

Canada has for many years actively participated in international labour affairs, and was a founding member of the International Labour Organization, which in 1969 marks its 50th Anniversary. As a country of chief industrial importance Canada holds one of the permanent seats on the Governing Body. It is occupied by the Deputy Minister of Labour. The Canada Department of Labour is responsible for liaison between international labour bodies and the federal and provincial Governments.

The ILO, with 115 member countries, is an agency of the United Nations. Canada's participation, through the Department of Labour, has brought to union members, employers, and government officials an awareness of the problems and aspirations of labour and industry in other parts of the world.

During recent years there has been increasing interest and participation in ILO conferences, in the development of broad administrative policies of the Organization, and under the Organization's Technical Assistance Program in supplying Canadian experts for developing countries.

The Department is responsible for organizing Canadian delegations of worker, employer and government representatives at ILO conferences and answering requests for detailed information on Canadian social and economic programs related to the work of the ILO.

WOMEN IN EMPLOYMENT

As more and more women, both married and single, are working in Canada every year, the particular problems that they encounter both in seeking employment and while on the job must be given special attention.

The Canada Department of Labour was the first government agency in Canada to recognize this need, and established its Women's Bureau in 1954. This Bureau endeavours to create a better general understanding of the role of working women, their importance in, and their contribution to Canada's labour force. Through a program of education and information the Bureau seeks to improve working conditions and standards for women. It co-operates with other national and international agencies concerned with human rights, discrimination, and other matters affecting women's changing role.

INDUSTRIAL PENSIONS AND ANNUITIES

To help Canadians who wish to make special financial arrangements for their old age, the Canada Department of Labour sells annuities that provide the purchaser with a regular income upon retirement. Many Canadian businesses and industries have used these Government annuities in setting up pension plans for their employees. The Department also provides information and advice to employers, unions and other government agencies on pension matters.





OTHER SERVICES

In addition to those already mentioned, the Canada Department of Labour co-operates with other federal and provincial agencies, and with employer and union organizations, in promoting programs to increase year-round employment and income stability.

ACTS ADMINISTERED

The Canada Department of Labour administers 10 Acts of Parliament:

- Department of Labour Act*
- Industrial Relations and Disputes Investigation Act*
- Canada Labour (Standards) Code*
- Canada Labour (Safety) Code*
- Fair Wages and Hours of Labour Act*
- Canada Fair Employment Practices Act*
- Female Employees Equal Pay Act*
- Government Annuities Act*
- Government Employees Compensation Act*
- Merchant Seamen Compensation Act*

©
ROGER DUHAMEL, F.R.S.C.
Queen's Printer and Controller of Stationery
Ottawa, 1968

Cat. No.: L31-868

3P—2M—68